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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,901	04/12/2001	David Malone	12H-001	1688
28661 7590 10/19/2007 SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423			EXAMINER HOLMES, MICHAEL B	
			ART UNIT 2121	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/832,901	<b>Applicant(s)</b> MALONE ET AL.	
	<b>Examiner</b> Michael B. Holmes	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



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**Examiner's Detailed Office Action**

1. This Office Action is responsive to communication received on December 27, 2006. Amendment under 37 CFR § 1.111 reconsideration and allowance of application is respectfully requested by applicant.
2. Applicant's arguments have been fully considered, however, they are *not* persuasive.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 & 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by *Shane* (USPN 5,793,972).

Regarding claim 1. *Shane* describes a messaging system comprising a messaging engine for operating under user instructions to generate and transmit messages addressed to recipient contacts [see C 2, L 22 to C 3, L 33 & FIG. 1, C 3, L 56 to C 4, L 65]; characterized in that the system comprises a server comprising:

a client interface (4) comprising means for allowing access by a plurality of users of registered clients [see FIG. 1, item 18, C 3, L 56 to C 4, L 65];

a client manager (2) comprising means for maintaining a database of registered clients [see FIG. 1, item 12, C 3, L 56 to C 4, L 65];

a content manager (25) comprising means for receiving content items uploaded from users and for storing said content in a content database (26, 27, 29) [see FIG 1, item 42, C 3, L 56 to C 4, L 65];

means in the content manager (25) for selecting content items for a message [see FIG. 1, items 12 & 14, C 3, L 56 to C 4, L 65];

means in the messaging engine (21) for generating and sending a message with links to selected content items in the content database [see FIG. 1, items 12 & 14, C 3, L 56 to C 4, L 65,

*Examiner interprets the links as the URL's*];

a response management function (22) comprising means for monitoring a response from a recipient contact using said links, wherein the response management function is configured to automatically capture and record each action the recipient contact take in the message; [see Abstract & FIG. 1, items 29, 20, 34, 18 & 16; C 3, L 56 to C 4, L 65];

a build function (20) comprising means for building content for the responding recipient contact according to the links used by said contact to respond [see FIG. 1, items 40, 12 & 14; C 3, L 56 to C 4, L 65]; and

means in the response management function (23) for sending the built content to the responding recipient contact [see FIG. 1, items 18, 14, & 28, C 3, L 56 to C 4, L 65],

wherein the messaging engine comprises means for:

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receiving a message generated by a user locally using an external messaging application [see FIG. 1, item 16, C 4, L 20-44 *Examiner interprets an external messaging application could be AOL, Yahoo or Hotmail*]; and

parsing said message and generating a message having a wrapper with links to content of the content database according to the parsing. [see FIG. 1, C 4, L 13-16 & C 4, L 33-49 & FIG. 2 & FIG. 3, C 5, L 08-62 *Examiner interprets this can be a Web page containing a URL or link to a web portal (note: Examiner interprets a web portal as a web portal is a web site that provides a starting point, a gateway, or portal, to other resources on the Internet or an intranet.)*]

Regarding claim 2. *Shane* describes a messaging system as claimed in claim 1, wherein the content manger (25) comprises means for storing profile attributes for content items, and for selecting content items according to said attributes [see FIG. 1, item 12 & 22 C 3, L 64 to C 4, L 19].

Regarding claim 3. *Shane* describes a messaging system as claimed in claim 2, wherein the profile attributes are included in meta data [see FIG. 1, item 12 & 22, C 3 L 64 to C 4, L 5, *Examiner interprets meta data as data about data e.g., demographic and tracking information for each recipient*].

Regarding claim 4. *Shane* describes a messaging system as claimed in claim 2, wherein the server further comprises a contacts manager (10) comprising means for managing a contacts database (11) of contacts uploaded by users, in which contacts are associated with the users and

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with profile attributes [see FIG. 1, item 16 C 4, L 20-32].

Regarding claim 5. *Shane* describes a messaging system as claimed in claim 2, wherein the content manager (25) comprises means for selecting content items by matching profile attributes of a contact with profile attributes of the content items [see FIG. 1, item 16 & 12, C 4, L 20-22].

Regarding claim 6. *Shane* describes a messaging system as claimed in claim 1, wherein the content items comprise content collateral parts and message text uploaded by users [see FIG 1, item 18, 18, 32, 20, & 29, C 4, L 20-32 & C 5, L 8-21].

Regarding claim 7. *Shane* describes a messaging system as claimed in claim 6, wherein the content manager (25) comprises means for managing a database of templates, in which each template is a group of identifiers of collateral parts and message text for re-use by a user [see FIG. 3, C 5, L 8-20, *Examiner interprets Web page 60 as a template i.e., predesigned document that contains formatting, and, in many cases generic text*].

Regarding claim 8. *Shane* describes a messaging system as claimed in claim 6, wherein the content manager (25) comprises means for managing a database of wrappers, in which each wrapper comprises links to selected content items [see FIG. 1, item 12, C 2, L 28-39 & C 3, L 64 to C 4, L 5, *Examiner interprets the Recipient Database (12) as the database of wrappers and the (URL) as the wrapper, which comprises the links*].

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Regarding claim 9. *Shane* describes a messaging system as claimed in claim 6, wherein the content manager (25) comprises means for grouping content items at the levels of a user organization (27), a user group within an organization (29), and individual users (26) [see FIG. 1, item 14, C 4, L 6-19 *Examiner interprets this as the lettershop coupled to the recipient database is responsible for retrieving recipient data and sending it to the home or office of each recipient. A recipient is simply one that receives, and Examiner contends that it is certainly conceivable that a recipient can be an organization, a group within an organization, and certainly an individual*].

Regarding claim 10. *Shane* describes a messaging system as claimed in claim 1, wherein the messaging engine comprises means for generating each link in a manner whereby it is unique to the message, and the response management function (22) comprises means for monitoring said links to identify the responding recipient contacts [see C 2, L 27-39, C 4, 20-65, *Examiner interprets the response management function being performed by Web Server (16)*].

Regarding claim 11. *Shane* describes a messaging system as claimed in claim 1, wherein the server comprises a response reporting function comprising means for generating management reports using data captured by the response management function [see FIG. 1, item 16 & 40, C 4, L 33-49, *Examiner interprets the web page creator (40) for generating the web page, which reports individual responses and web server (16) by way of the internet (18) as the communication pathway for capturing responses*].

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Regarding claim 12. *Shane* describes a messaging system as claimed in claim 1, wherein the messaging engine (21) comprises means for allowing a user to directly enter content to a message without previously uploading it to the content manager [*see* C 4, L 22-40 16, 18, 20, & 29 *Examiner interprets this as direct interface between Web server (16) and the recipient at location (29)*].

Regarding claim 13. **cancelled**

Regarding claim 14. *Shane* describes a messaging system as claimed in claim 1, wherein the messaging engine (21) comprises means for parsing a header for content in the received message, and for using said header to identify relevant content in the content database[*see* C 5, L 51-62 *Examiner interprets removing the forward slash (header) and retrieving data from the recipient database* ].

Regarding claim 15. *Shane* describes a method of, under user instructions, generating a message and sending it to a recipient contact, the method being carried out by a server [*see* C 2, L 22 to C 3, L 33 & FIG. 1, items 29, 20, 34, 18, & 16; C 3, L 56 to C 4, L 65] and comprising the steps of:

a user uploading content collateral and message text to the server, and the server storing said collateral and text with profile attributes [*see* FIG. 1, items 29, 20, 34, 18, 16, & 12; C 3, L 56 to C 4, L 65];

the user uploading contact data, and the server storing the contact data with profile attributes



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[see FIG. 1, items 29, 20, 34, 18, 16, & 12; C 3, L 56 to C 4, L 65];

generating a message by matching profile attributes of the contact with those of the content to select content, and including in the message uploaded message text and links to said selected content [see FIG. 1, items 12, 14, 26, & 29; C 3, L 56 to C 4, L 65];

transmitting the message to the contact [see FIG. 1, items 12, 14, 18, & 16; C 3, L 56 to C 4, L 65];

subsequently receiving a response from the contact using a link, capturing data including identifiers of the contact and of the content, and automatically capturing and recording each action the contact takes in the transmitted message [see Abstract & FIG. 1, items 29, 20, 34, 18 & 16; C 3, L 56 to C 4, L 65]; and

generating a response report based on said captured data [see (g), C 3, L 31-33 & C 7, L 50-58 *Examiner interprets the report as the web page*].

Regarding claim 16. *Shane* describes a method as claimed in claim 15, wherein the link is unique to the combination of contact and content, and the link is used to capture said data, and the step of receiving the response comprises the further step of determining an actual address for the content based on the link address [see C 2, L 28-50].

Regarding claim 17. *Shane* describes a computer program product comprising software code for performing a method as claimed in claim 15 when executing on a digital computer [see FIG 1, item 32, C 6, L 29-35, & C 5, L 8-62].

## Response to Arguments

5. Examiner has reviewed and taken into considerations applicant's arguments. However, it has been decided that the references sufficiently describes applicant's claimed invention, thus, rendering moot any possibility that patentability will be granted at this time.

## Examiners Summary

6. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

## Correspondence Information

8. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email [michael.holmesb@uspto.gov](mailto:michael.holmesb@uspto.gov).

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

Finally, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Moreover, status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) toll-free @ 1-866-217-9197.

**Michael B. Holmes**

Patent Examiner  
Artificial Intelligence  
Art Unit 2121

United States Department of Commerce  
Patent & Trademark Office

*Friday, March 30, 2007*

*MBH*



**Anthony Knight**  
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